

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

MELVIN EARL SIMS

PLAINTIFF

v.

CASE NO. 5:14CV00227 BSM-BD

DAMETRIA ROCHELLE, et al.

DEFENDANTS

ORDER

The recommended disposition from Magistrate Judge Beth Deere has been received. No objections have been filed. After careful consideration, it is concluded that the recommended disposition should be, and hereby is, approved and adopted in its entirety. Sims's petition for writ of habeas corpus [Doc. No. 2] is dismissed without prejudice.

When entering a final order adverse to a habeas corpus petitioner, a certificate of appealability must be issued or denied. Rule 11 of the Rules Governing Section 2254 Cases. A certificate of appealability may issue only if a petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). In this case, there is no basis to issue a certificate of appealability. Accordingly, a certificate of appealability is denied.

IT IS SO ORDERED this 14th day of July 2015.


UNITED STATES DISTRICT JUDGE